

**CITY COUNCIL MEETING WORK SESSION
CITY OF WATERTOWN
November 12, 2013
7:00 p.m.**

Mayor Jeffrey E. Graham Presiding

Present: Council Member Roxanne M. Burns
Council Member Joseph M. Butler, Jr.
Council Member Teresa R. Macaluso
Council Member Jeffrey M. Smith
Mayor Graham

Not Present: Sharon Addison, City Manager

City staff present: Ken Mix, Brian Phelps, Erin Gardner

DISCUSSION

Purchase Offer for Land Adjacent to Empsall Plaza

Gary Beasley, Neighbors of Watertown explained to Council that Neighbors of Watertown has owned the Brighton Apartments since 1992 which is the upper floors of the Empsall Building. He discussed the maintenance issues of the elevator servicing the upper floors and stated that when the property of the lower floors became available, it was in their best interest to secure this ownership in order to get a second elevator to service these apartments. He further explained that a planned development would be submitted for the lower commercial levels which could have a variety of uses. Regarding the J. B. Wise side of the building, he said that Neighbors of Watertown acquired an existing parking lot and was hoping to acquire the vacant lots owned by the City in order to create an attractive handicap accessible entrance to the building from the J. B. Wise Parking Lot.

Mayor Graham noted that the ownership of the ground levels being different than the ownership of the upper levels was always an odd arrangement.

Mr. Beasley explained the maze of infrastructure of the building stating obtaining ownership of the whole building will allow them to install new infrastructure throughout. He mentioned that the rear building which is under foreclosure has a separate owner but there is a connecting bridge so the hope is to work with the future owner and have compatible uses. He told Council that there are no longer any easements between the two buildings.

Mayor Graham asked why Neighbors of Watertown acted so quickly on this.

Mr. Beasley replied that they always had first right of refusal and that they must rely on the maintenance and structural integrity of the first two floors in order to hold the rest of the floors up.

Council Member Burns asked the dimension of the City parcels.

Mr. Beasley responded that they were approximately 40 feet by 75 feet and are currently a grassy area.

Council Member Butler asked for the assessed value of the City owned property.

Brian Phelps, City Assessor explained that these parcels are grouped with a third parcel along Public Square and the assessed value is \$38,000.

Ken Mix, Planning Coordinator explained that the third parcel combined with the parcels in question is being transferred to the developers of the Woolworth Building for their parking lot.

Mayor Graham commented that this puts the property in the hands of responsible owners who have an invested interest. He added that it may take time to complete this project but it is part of all the things going on downtown which there is good reason to be excited over. He said that it behooves the City to deed these parcels to Neighbors of Watertown to assist in their project.

Council Member Macaluso agreed Mayor Graham.

Council Member Burns concurred and said she looks forward to this project.

Council concurred to deed the parcel to Neighbors of Watertown and Mayor Graham asked Mr. Mix to prepare a resolution for the next meeting.

Discussion of Business Licenses and Permits

Mayor Graham explained that Ann Saunders, City Clerk had gone through the Code of the City identifying some things that may be obsolete due to the changes in society and that they are outlined in her memo.

Starting with the Auctioneer licensing, Attorney Slye explained that the NYS provision only pertained to cities of the first class and the City of Watertown is a city of the third class so there is no requirement to regulate this under NYS law.

Mayor Graham asked why the City would want to regulate this and said it is used as a rouse to get more money out of people.

Council Member Smith mentioned that there may only be two auctions a year in the City and if the City is not regulating them now then there should not be a problem.

Council decided to remove the license.

Regarding Pawnbrokers, Attorney Slye told Council that NYS law reads that a Pawnbroker cannot operate within the City unless it complies with the City licensing laws. In other words, he said, if the City does not have City licensing laws then there cannot be a Pawnbroker within the City. He said Council needs to decide if it wants Pawnbrokers to operate within the City.

Council Member Butler asked if commercial zones allow for Pawnbrokers.

Attorney Slye stated that it does.

Council chose to remove Chapter 219 from the City Code.

Regarding Poolrooms and Billiard Parlors, Attorney Slye mentioned that this pertains to Bowling Alleys as well and said he did not see anything under the state law that dealt with the regulating this. He suggested that there is no reason for the City to regulate something that the state does not regulate.

Council agreed to remove this chapter from the City Code.

Concerning Going Out of Business, Attorney Slye indicated that the City is required to regulate this type of sale because it falls under consumer protection. He said NYS law is quite clear on how to do this and how to collect the fees.

Mayor Graham commented that he thought this was regulated by the Attorney General. He also said that small businesses go out of business often and probably do not notify the Clerk's Office.

Attorney Slye said the purpose of this regulation is so that someone does not advertise as going out of business so that customers think they are getting a better deal when in actuality they are not.

Ann Saunders, City Clerk explained the fees that are set by NYS and indicated that this chapter would need to be updated to reflect NYS application requirements.

In regards to Transient Retail Business, Attorney Slye explained this type of license is only addressed briefly within the General Municipal Law with regard to taxing the gross sales of Transient Retail Business. He noted that the definition listed within the City Code comes from this section and that the issue is not when a business is in a store or structure per the definition but when it is a temporary sale outside such as Christmas Tree Sales.

Mayor Graham said that this came up this summer concerning the Halloween Store in which space is rented in a store front for a period of time. He thought this license was misinterpreted and serves no purpose. He asked how often this topic comes up.

Mrs. Saunders replied there have been two licenses issued in the past two years and both were Spa and Hot Tub Sales held on City property. She indicated that she is only aware of this type of sale when it is held on public property because she works closely with Parks and Recreation Superintendent Gardner and that when these sales are held on private property, she usually is not notified.

Mentioning the Home Show, Attorney Slye noted that some of these shows are considered a form of recreation.

Council discussed issues regarding applying this license to public property verses private property as well as ways to ensure the legitimacy of the business conducting these sales. Council agreed to eliminate Chapter 284.

Concerning Vending in Designated Places, Attorney Slye advised that there is a fee set for this license but there is no designated places identified. He suggested that this might be a carry over for when someone might want to vend at Thompson Park but now these situations are contracted out or handled other ways. He agreed with the recommendation from the City Clerk to remove this fee for designated places because there are none.

Council agreed as well.

Attorney Slye said that the remainder of Chapter 112 just needs to be cleaned up to reflect anything that has been repealed. He advised that these changes would need to be done through a local law.

Park Rules – Chapter 216

Mayor Graham said that everyone agrees that there should be some compact set of rules for the parks but said the placement of the sign should be where people can see them such as by the pavilion and the lookouts.

Mr. Mix reviewed the history behind the proposed park rules stating that the hope was to reorder this chapter of the code to provide better consistency. He mentioned that Ms. Gardner suggested adding the new J. B. Wise Pavilion to the list of parks.

Council Member Smith asked if property is designated as a park but at a later time a developer is interested in the property, would it need an act of NYS in order to sell it.

Mr. Mix noted the fact that the property is used as a park by the public is what defines parkland not an official action by Council designating it as a park. He also reminded Council that the use of grant money defines parkland as well. He advised that the boundaries of some of these parks should be described in a separate resolution which would be referenced by this chapter and included in the GIS system.

Mayor Graham agreed that there were some advantages to codifying the boundaries of the parks.

Mr. Mix pointed out that the current Enumeration of Playgrounds Section 216-30 was lacking some of the City playgrounds.

Council Member Smith asked if the playgrounds are considered parkland.

Attorney Slye indicated that they were and that they would need the state's approval for alienation of parkland in order to use the property for something else.

Mr. Mix said his proposal defines the parks and playgrounds then list rules for all of them with a few exceptions.

Mayor Graham mentioned closing hours and asked how realistic the enforcement is.

Ms. Gardner mentioned that she has had complaints from neighbors of some of the problematic areas such as Academy Street and North Hamilton Street Playgrounds. She explained that the complaints are in regard to illegal activities so she has asked the police to do extra patrols of these areas.

Mayor Graham said that even though the goal is to have a uniformed set of rules, he is not sure if that is possible because there is an honest difference of opinion as to closing hours. He stated that facilities within the parks or playgrounds can be closed but it is difficult to actually close the parks or playgrounds. He mentioned that parks such as Veterans Memorial Riverwalk should be closed after

dark because its location is isolated but parks such Whitewater Park cannot practically be closed after dark due to its proximity to a business.

Council discussed individual sections of the proposed amendments in detail agreeing to 216-1 (Enumeration of parks, playgrounds and recreation areas), 216-2 (Driving and parking of vehicles), 216-5 (Glass containers), 216-6 (Alcoholic beverages) and 216-13 (Swimming) but questioned sections 216-4 (Injury or damage to plants or property), 216-9 (Open Fires), 216-8 (Rubbish) and 216-14 (Dogs) because there are City Ordinances pertaining to these already in existence.

Mr. Mix mentioned that some sections are redundant but they are a carry over from the existing Park Rules Ordinance.

Ms. Gardner pointed out that some people using the parks are not from the area so they may not know the City Ordinances so it may be useful to list these on a park rules sign.

Mr. Mix advised that section 216-10 (Bicycles) was included because some of the parks have bicycle paths and it is meant to differentiate between a sidewalk and a bicycle path.

Regarding sections 216-11 (Fishing) and 216-12 (Boats), Council Member Butler commented that motorized boats should be allowed at the Route 3 Handicap Fishing and Boating Access site. Council Member Smith and Council Member Burns agreed.

Mayor Graham said it states where fishing is allowed but he thought it should state where fishing is not allowed. He stressed that the launching of boats should be at the individual's own risk.

Council concurred to remove the sections on fishing and boats.

Council agreed that the Park Rules sign cannot list all the regulations and should address the bullet items such as hours of operation, dogs, alcohol and smoking. It was confirmed that anyone that reserves any area of the parks or pavilions are given a list of rules with the reservation. Therefore, the signs should address the main items for the benefit of the people using the parks for just a couple of hours.

Regarding section 216-7 (Tobacco Products), Ms. Gardner clarified her proposal regarding smoking within 100 feet of any playground or athletic field.

Council decided to not allow smoking at the Fairgrounds unless it is done within designated areas.

Council reviewed section 216-3 (Closing Hours) addressing the need for better lighting if the parks are to be opened later. It was suggested that ornamental lights should be used along the roads of Thompson Park. The ruling of the recent court case on whether the Thompson Park roads are closed when the park is closed was discussed further. Council was divided as to the closing hours of Thompson Park because of the use of the roads by the Golf Club members and the desire of early walkers wanting to watch the sunrise from there. Some stated there is no purpose to be up there in the middle of the night except for malicious activities and does not want to burden the police with these additional patrols. It was agreed that the Fairgrounds and Whitewater Park would have no closing hours but the Veterans' Memorial Riverwalk and Waterworks Park should be closed one hour within sunset.

Council wished to wait and hear more from the constituents and directed Mr. Mix to work on the amendments for the items that were decided this evening.

Work session ended at 9:02 p.m.

Ann M. Saunders
City Clerk